

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

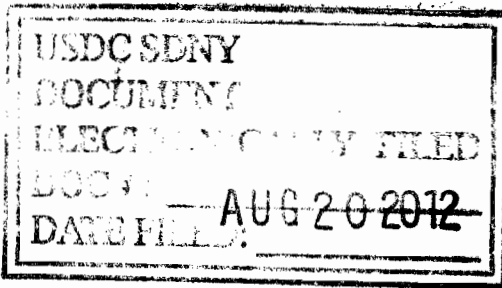
Barnes & Noble, Inc. and  
barnesandnoble.com llc,

Plaintiffs,

-against-

Alcatel-Lucent USA Inc.,

Defendant.



Civil Action No.: 1:10-cv-05759-GBD

ECF Case

**STIPULATION AND ORDER DISMISSING ALL CLAIMS AND DEFENSES  
RELATED TO U.S. PATENT NO. 6,157,707**

**WHEREAS** Barnes & Noble, Inc. and barnesandnoble.com llc ("Barnes & Noble") sought a declaration of noninfringement and invalidity of Alcatel-Lucent USA Inc.'s ("Alcatel-Lucent USA") U.S. Patent No. 6,157,707 ("the '707 patent") in Counts XIII and XIV of its Complaint;

**WHEREAS** Alcatel-Lucent USA asserted a counterclaim for infringement of the '707 patent in Count VI of its Answer and Counterclaim to Barnes & Noble's Complaint;

**WHEREAS** Barnes & Noble has agreed to dismiss with prejudice its cause of action related to infringement of the '707 patent, as set forth in Count XIII of its Complaint;

**WHEREAS** Barnes & Noble has agreed to dismiss without prejudice its cause of action related to the validity of the '707 patent, as set forth in Count XIV of its Complaint;

**WHEREAS** Alcatel-Lucent USA has agreed to dismiss with prejudice its counterclaim related to infringement of the '707 patent, as set forth in Count VI of its Answer and Counterclaim;


**WHEREAS** the parties have agreed to each bear their own costs;

**IT IS HEREBY STIPULATED** that:

1. Count XIII of Barnes & Noble's Complaint shall be dismissed with prejudice;
2. Count XIV of Barnes & Noble's Complaint shall be dismissed without prejudice;
3. Count VI of Alcatel-Lucent USA's Counterclaim shall be dismissed with prejudice;
4. Each party shall bear its own costs.

Dated: August 10, 2012

DICKSTEIN SHAPIRO, LLP

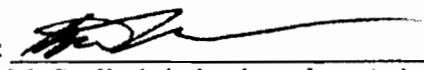
By:   
Christopher K. Hu  
Gerard A. Haddad  
Jennifer BianRosa  
Joshua P. Jaffe

1633 Broadway  
New York, New York 10019  
Telephone: (212) 277-6500  
Facsimile: (212) 277-6501

**Attorneys for Plaintiff,  
Counterclaim Defendant and  
Counter-counterclaim Plaintiffs  
Barnes & Noble, Inc. and  
barnesandnoble.com llc**

Dated: August 16, 2012

ROBINS, KAPLAN, MILLER & CIRESI LLP

By:   
Jan M. Conlin (admitted *pro hac vice*)  
Thomas C. Mahlum (admitted *pro hac vice*)  
Emmett J. McMahon (admitted *pro hac vice*)

2800 LaSalle Plaza, 800 LaSalle Avenue  
Minneapolis, Minnesota 55402-2015  
Telephone: (612) 349-8500  
Facsimile: (612)-339-4181

- and -

Marla Butler  
Oren D. Langer

601 Lexington Avenue, 34th Floor  
New York, New York 10022  
Telephone: (212) 980-7400  
Facsimile: (212) 980-7499

**Attorneys for Defendant,  
Counterclaim Plaintiff and  
Counter-Counterclaim Defendant  
Alcatel-Lucent USA, Inc.**

**SO ORDERED:**

Dated: 11/20/2012

George B. Daniels  
Hon. George B. Daniels  
United States District Judge

✓